

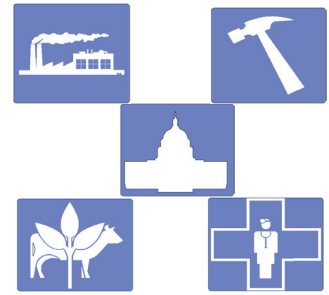
# Safety Lines

The Newsletter of Minnesota OSHA

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Winter 2005

<http://www.doli.state.mn.us>



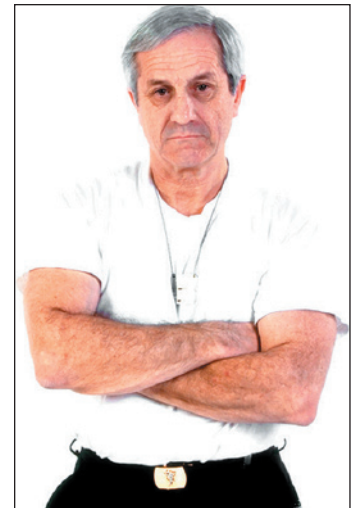
## WORK REFUSAL:

**W**histleblower laws may protect employees who voluntarily quit

*By Matt Tubridy, MNOSHA Senior Discrimination Investigator*

The Minnesota Occupational Safety and Health Act of 1973 includes a specific anti-discrimination provision. Minnesota Statutes §182.669 protects an employee from his or her employer taking adverse employment action against the employee because the employee complained about workplace safety or health concerns. Generally, that protection does not extend to an employee who voluntarily quits his or her job or refuses to perform a task the employer assigns, a situation commonly referred to as a “work refusal.”

However, Minnesota Statutes §182.654, Subd. 11, provides protection under a limited set of circumstances to an employee who engages in a work refusal. That statute provides that an employee has the right to refuse to work under conditions the employee reasonably believes places the employee in imminent danger of death or serious physical harm. The statute further provides an employer may not discriminate against an employee where the employee refuses, in good faith, to perform an assigned task if the employee has sought and been unable to obtain from the employer a correction of the hazardous condition.



Minnesota OSHA’s discrimination investigators analyze work refusal cases by examining five separate elements:

- 1) The employee had a reasonable belief or apprehension that the task or job placed the employee in danger of death or serious physical harm.
- 2) The employee acted in good faith in refusing to perform the task or job.
- 3) There was no reasonable alternative to refusing to perform the task or job.
- 4) There was insufficient time for the employee to eliminate the dangerous condition through regular statutory channels.
- 5) The employee, where possible, must have sought and been unable to obtain from the employer a correction of the hazardous condition.

Federal OSHA developed this analytical framework from applicable case law and it is used in whistleblower cases throughout the country to determine whether a work refusal is valid under the legal act.

In a work refusal analysis, the individual investigator determines whether an employee’s actions in refusing to perform a task or job satisfy the elements of a valid work refusal. However, at the outset,

*Whistleblower, continues ...*



#### *Whistleblower, continued ...*

investigators look for evidence that the employee acted in good faith and did not merely walk off the job. Two primary indicators of an employee's good faith are whether the employee looked for any reasonable alternative to refusing to perform the task or job and whether the employee brought the hazardous condition to the employer's attention prior to refusing to perform the work.

A recent Minnesota OSHA (MNOSHA) discrimination case concerned a work refusal. In that case, the employee stated the employer required him and a coworker to dig a trench to a 25-foot depth. However, the employer provided the employees a trench box that was only eight feet deep and had no ladder. Further, the trench was unstable and, as the employee continued to dig it out with a backhoe, sand flooded around and underneath the box, further undermining it. At one point, the foreman left the jobsite, leaving no one present with any view of the employees in the trench. The employee repeatedly complained to the foreman that the trench was unsafe and unstable, and he requested that the employees be allowed to reset the trench box to stabilize it. The foreman refused the employee's request and directed the employees to continue working. The trench then began to cave in. Fortunately, both employees got out of the trench safely.

The employee refused to work in the trench unless and until the employer took steps to correct the hazards. The employer terminated the employee, stating he was insubordinate by refusing to work in the trench.

MNOSHA determined the employee's actions satisfied the elements of a valid work refusal under the legal act. The employee's apprehension of death or serious physical harm was reasonable and he repeatedly sought – and was unable to obtain – the employer's cooperation in correcting the hazardous condition before refusing to perform the assigned task. MNOSHA mediated a settlement between the parties that resulted in the employee's receiving full back-pay and a positive reference letter from the employer for the employee's use in securing future employment.

The Minnesota Occupational Safety and Health Act, Minnesota Statutes Chapter 182, can be accessed on the Minnesota Department of Labor and Industry Web site at [www.doli.state.mn.us/statrule.html](http://www.doli.state.mn.us/statrule.html). For further information, visit the federal OSHA Web site at [www.osha.gov](http://www.osha.gov). Its brochure, *Protecting whistleblowers with job safety and health complaints* is at [www.osha.gov/Publications/osha3164.pdf](http://www.osha.gov/Publications/osha3164.pdf).

## Nominations for DLI safety award recipient due March 30



Arthur E. McCauley Jr.

The Minnesota Department of Labor and Industry (DLI) seeks to honor a safety or health professional who is an example of safety excellence, with the annual Arthur E. McCauley Jr., Minnesota Occupational Safety and Health Leadership Award. The award was named for former Minnesota Safety Council member, Arthur E. McCauley Jr., whose work as a safety professional encompassed the attributes of this award. McCauley was regarded for his work as a member of the Minnesota Safety Council and the Minnesota Occupational Safety and Health Advisory Council. He was known for his dedication and tireless efforts to improve the safety and health of Minnesota's workplaces.

Complete information and the nomination form are online at [www.doli.state.mn.us/mccauley.html](http://www.doli.state.mn.us/mccauley.html). Interested parties may also contact Debbie Caswell by phone at (651) 284-5018 or by e-mail at [debbie.caswell@state.mn.us](mailto:debbie.caswell@state.mn.us) for details.

# 2004

## The year in review



### Performance review highlights



Minnesota OSHA conducts an annual review of its projected performance as defined in its performance plan, which is generated prior to the start of the federal fiscal-year (FFY).

In FFY 2004, Minnesota OSHA:

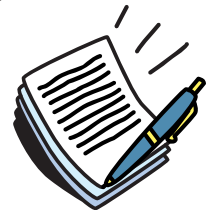
- visited 2,662 establishments and identified 4,813 hazards;
- generated safety inspection results within 25 days on average, while the national average is 46 days;
- generated health inspection results within 55 days on average, while the national average is 61 days;
- resolved contested cases within 135 days on average, while the national average is 184 days;
- signed a new partnership with Minnesota Machine Guarding Program (see story on page 5);
- identified errors in the performance measures generated by federal OSHA;
- performed workflow analysis for the health and support staff functions as it relates to citation issuance and made improvements to reduce the lapse time;
- conducted 42 presentations with an average participation level of 41 people;
- completed a work-skill assessment for MNOSHA staff members to identify training needs, frequency and priority;
- conducted an internal survey to determine areas where MNOSHA managers can improve;

- determined the number of injury and illness cases reported in calendar-year (CY) 2002 Bureau of Labor Statistics survey results was 11 percent lower than the average for CY 1999 through 2001; and
- determined the workers' compensation indemnity claims rate in CY 2003 was 18 percent lower than the average for CY 1999 through 2001.

*Note: Due to 2002 changes to recordkeeping requirements, statistics from earlier years are not directly comparable.*

### CHASE-ing down safety and health

In February 2003, MNOSHA and Associated General Contractors (AGC) launched the Construction Health and Safety Excellence (CHASE) partnership. The partnership provides for three levels of safety and health requirements and their corresponding recognition, including exemption from programmed compliance inspections. The levels progress from red to white to blue.



The following companies have reached the white level: Berg Drywall, LLC; F.M. Frattalone Excavating and Grading Inc.; Veit Companies; Adolfson & Peterson; Minuti-Ogle Co. Inc.; M.A. Mortenson Company; Witcher Construction; and Bituminous Roadways.

The ability of MNOSHA Compliance to work cooperatively with associations and employers to develop these partnerships is critical. Based upon the present staffing level within MNOSHA and the

*The year in review continues ...*  
Winter 2005



## Safety and health at your fingertips: – [www.doli.state.mn.us/mnoshasha.html](http://www.doli.state.mn.us/mnoshasha.html) –

Minnesota OSHA welcomed more than 29,000 online visitors in federal fiscal-year (FFY) 2003, but in FFY 2004, that number grew to more than 56,000.



a complaint about workplace safety and health concerns, and how to report an accident at your workplace.

As customer expectations and technology have progressed, the [MNOSHA Web pages](#) continue to evolve. Information and links are regularly added and updated in an effort to keep the site current. If you are reading this newsletter, you may be somewhat familiar with the MNOSHA Web pages, but here's a glimpse of what's available online.

MNOSHA's strategic planning documents, including the current five-year strategic plan and annual report, are available online. Also, hazard alerts, fact sheets and online forms – including the progress report and notice of contest – are accessible. And there are links to other Web sites where safety and health regulations, injury and illness data, and other related information can be found.

A variety of safety and health information is available in various formats, including handouts and videos. Tapes in the video library are available for a free two-week loan (see update of listing on page 13). A complete listing of handouts and videos is available at [www.doli.state.mn.us/oshainfo.html](http://www.doli.state.mn.us/oshainfo.html). In addition, there is information about how to file

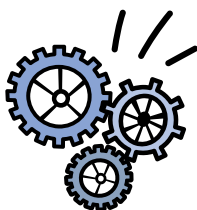
MNOSHA continues to present its Construction Breakfast seminars five times a year. Registration information and schedules are available online. The breakfasts, which begin with a breakfast buffet and feature a presentation about a specific construction safety topic, are popular and well attended.



### **Morrissey achieves MNSHARP status**

The Morrissey Inc. safety and health committee celebrated their success as a Minnesota Safety and Health Achievement Recognition Program (MNSHARP) worksite Nov. 3, in Bloomington, Minn. Morrissey Inc. produces custom precision stampings and assembly services. It is only the second metalstamping company in Minnesota to achieve MNSHARP status.

*The year in review continues ...*



number of companies within Minnesota, it would take more than 30 years to conduct compliance inspections at each business.

The recognition and potential exemption from programmed inspections of companies dedicated to improving their safety and health helps Minnesota OSHA to focus inspection efforts on companies that are less dedicated to improving safety and health. The CHASE agreement is online at [www.doli.state.mn.us/pdf/chaseagreement.pdf](http://www.doli.state.mn.us/pdf/chaseagreement.pdf).

*Information from Patricia Todd, director of MNOSHA Compliance, and Shelly Techar, MNOSHA management analyst, was compiled for this report.*

# New partnership offers 'hand-y' rewards to metalworkers

By James Krueger, MNOSHA Management Team Director

State safety-regulators and a machine-guarding study joined forces to reward metal-fabrication employers for their effective worksite safety programs, in an effort to try to reduce the number of hand injuries suffered on the job. Even seemingly minor hand injuries can result in significant lost work-time and adversely impact the employee's quality of life.

In December, the Minnesota Occupational Safety and Health Administration (MNOSHA) and the Minnesota Machine Guarding Program (MMGP) signed the *Machine Guarding Agreement Partnership* (GAP). The new partnership program offers three levels of achievement – blue, white and red – to employers. Employers achieving recognition can earn exemption from scheduled and unscheduled OSHA investigations, reduced or eliminated penalties and written special recognition.

MMGP is a study of how to improve the effectiveness of machine guarding. This research focuses on assessing and improving machine guarding through the use of interventions such as worker/owner training and careful evaluation of machine guarding practices within metal-fabrication shops. The study is sponsored by the Centers for Disease Control and Prevention (CDC) and is being conducted by the Park Nicollet Institute and the University of Minnesota.

Each year, two out of every 100 workers experience hand injuries and one out of 300 workers suffers from a serious hand injury. Lost work-time averages approximately six days. Some finger amputations appear to be relatively mild, because they result in a loss of only part of one finger. However, many finger amputations are to the thumb or involve two or more fingers. Serious hand injuries often result in job loss or permanent job change.

The goal of the study is to improve machine guarding methods in small- to medium-sized metal fabrication shops that are involved in activities such as metal stamping, sheet-metal fabrication, custom-metal fabrication or metal grinding, to increase worker safety and the general safety climate. (The study defines a small- to medium-sized shop as one with eight to 100 employees.) The industries covered include (SIC/NAICS codes):

- **3441/332312** – fabricated structural metal
- **3443/332313** – fabricated plate work, including boiler shops
- **3444/332322/332439** – sheet metal work
- **3446/332323** – architectural and ornamental metal work
- **3452/332722** – bolts, nuts, screws, rivets and washers
- **3462/332111** – iron and steel forgings
- **3465/336370** – automotive stampings
- **3469/332116** – metal stampings, not elsewhere classified
- **3498/332996** – fabricated pipe and pipe fittings
- **3499/337215/332999** – fabricated metal products, not elsewhere classified



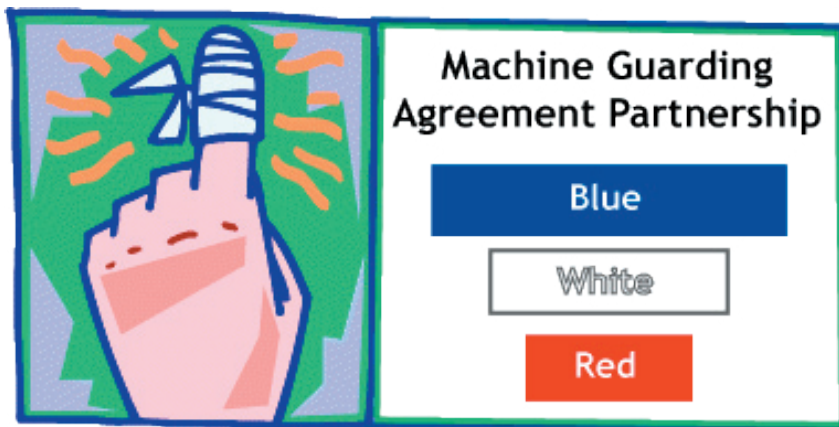
State officials and members of a machine-guarding study signed onto a partnership that aims to reduce the number hand injuries suffered on the job. In the back row are: Nancy Zentgraf, MNOSHA; James Krueger, MNOSHA; and Yogi Samant, Park Nicollet. In the front row are: Patricia Todd, MNOSHA; Dr. David Parker, Park Nicollet; and Roslyn Wade, DLI assistant commissioner for workplace services.

Partnership continues ...

*Partnership continued ...*

Every shop owner is concerned about safety. However, the development of safety and machine guarding programs often seems complex and expensive. All services provided by Park Nicollet are free of charge and nonregulatory in nature. Information collected as part of the study will be kept confidential.

To determine an employer's level of eligibility, the applicant supplies data from the OSHA Form 300 *Log of Work-Related Injuries and Illnesses* and answers a series of questions related to their safety program. Entry levels are then based on answers to questions on a self-audit evaluation administered by MMGP. In addition, the employer must provide the MMGP representative with evidence of conformance with each requirement at each level.



#### **Blue level**

The top level of the program is blue, open to those employers whose achievements in the area of worksite safety are outstanding. Acceptance at the blue level requires that the employer meets all the requirements of the white and red levels, and maintains a total case-injury/illness incidence rate that is 10 percent below that of the most current Bureau of Labor Statistics (BLS) rate in Minnesota for the applicant's industry. In addition, the blue level requires additional validation of safety

and health program efficacy through a comprehensive on-site qualifying inspection, conducted by MNOSHA in conjunction with MMGP representatives.

MNOSHA will provide the following incentives to blue-level participants:

1. Special written recognition from MNOSHA and MMGP designating the employer as a blue-level participant in GAP.
2. An exemption from programmed inspections within the next 12 months following acceptance into the blue level of the partnership.
3. An exemption from unprogrammed inspections, except in response to reports of imminent danger, fatalities/catastrophes or formal employee complaints. MNOSHA will use the telephone or fax to handle all other complaints, except those cases involving serious injuries. When an inspection of a nonformal complaint is deemed necessary, a copy of the complaint will be provided to the employer's safety director or other designated representative at the time of inspection.
4. No citations for nonserious violations, provided the violations are abated immediately.
5. Maximum good faith and history penalty reductions currently available under existing MNOSHA policy.

#### **White level**

Applicants seeking white-level status must meet the red-level requirements, plus implement the following measures:

1. Designate one employee with training in safety and health as having primary responsibility for the safety program.
2. Conduct an orientation regarding the company's safety and health program for all new employees.

*Partnership continues ...*

Partnership continued ...

3. Conduct and document self-audits of the safety program.
4. Receive a qualifying survey by an MMGP representative and receive at least 70 percent on each of the scores. The employer must also implement any recommendations for corrective action for each machine evaluated on the survey.



In addition, the employer must maintain a total case injury/illness incidence rate at or below the most current BLS rate in Minnesota for the applicant's industry.

In exchange for this level of employee protection, MNOSHA will provide the following incentives to white-level participants:

1. Special written recognition from MNOSHA and MMGP designating the employer as a white-level participant in GAP.
2. No citations for nonserious violations, provided the hazards are abated immediately.
3. Maximum good faith and history penalty reductions currently available under existing MNOSHA policy.

#### Red level

Applicants seeking red-level status must meet the following requirements:

1. Develop and implement a written safety and health program, such as A Workplace Accident and Injury Reduction (AWAIR) program, that addresses those hazards that are among the leading causes of finger and hand injuries in the metal-fabrication industry, and a lockout/tagout program that contains specific written procedures for each machine.
2. Receive a qualifying survey by an MMGP representative and agree to implement recommendations resulting from the survey.
3. Agree to be subject to on-site review by an MMGP representative.
4. Conduct and document monthly employee safety meetings and perform self-audits on, at least, a monthly basis.

MNOSHA will provide the following incentives to red-level participants:

1. Special written recognition from MNOSHA and MMGP designating the employer as a red-level participant in GAP.
2. No penalty assessment for citations related to nonserious violations, provided the hazards are abated immediately.

For further information or to participate in the study, contact David L. Parker, M.D., MPH, by phone at (952) 993-8753 or by e-mail at [parked@parknicollet.com](mailto:parked@parknicollet.com).



## Expedited settlement agreements save time, expense

By Diane Amell, MNOSHA Training Officer

Expedited informal settlement agreements (EISAs) have proven to be an efficient tool for resolving OSHA inspection cases in a timely manner. Since the program's inception in 1995, approximately 9,300 EISAs have been offered by MNOSHA, of which about 7,000 – or 75 percent – have been accepted by employers. During federal fiscal-year 2004, 1,100 EISAs were accepted, out of nearly 1,500 offered.

Employers accepting EISAs receive a 30 percent reduction in penalties in exchange for prompt, documented abatement of the hazards cited (i.e., submittal of written progress reports or immediate abatement) and waiver of their right to contest the citations. Not only do the employers save money in penalties, but they also save time and money by avoiding informal conferences and possible litigation to settle the case. Employees win because, with the early settlement, hazards must be abated sooner than if the case is contested.

To be offered an EISA, the following factors must be present:

- The employer must have an effective safety and health program.
- The citations are not related to an accident.
- There are no repeated, willful or failure to abate citations, and no more than two high-gravity serious violations.

Employers accepting EISAs must agree not to contest any of the citations related to the inspection.

For more information regarding EISAs and eligibility, see page 5 of the Winter 2002 edition of *Safety Lines* ([www.doli.state.mn.us/safeline.html](http://www.doli.state.mn.us/safeline.html)) or contact any MNOSHA area office.

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## Minnesota workplace injury and illness information, 2003

By Brian Zaidman, Research Analyst  
Research and Statistics

A total of 111,600 nonfatal workplace injuries and illnesses were reported in Minnesota's private-industry and public-sector workplaces during 2003, resulting in a rate of 5.5 cases per 100 full-time-equivalent (FTE) workers, according to the annual *Survey of Occupational Injuries and Illnesses*. The rate dropped 8.3 percent from the 2002 rate and the number of cases decreased by 7.4 percent from 2002. The 2003 survey summary results for Minnesota can be viewed at [www.doli.state.mn.us/xls/blssumtables03.xls](http://www.doli.state.mn.us/xls/blssumtables03.xls). These summary statistics include the numbers and rates of injuries and illnesses by industry. All the 2003 industry statistics are published according to NAICS codes.

The national survey results, which provide more industry detail, are available on the Bureau of Labor Statistics (BLS) Web site at [www.bls.gov/iif/oshsum.htm](http://www.bls.gov/iif/oshsum.htm). BLS also publishes tables of rate quartiles by industry and employment size, available at the same Web site. These quartile tables are an excellent resource for benchmarking your company's injury and illness rates. For each publishable size group within each industry, the tables show:

- the average incidence rate;
- the rate level one-quarter of the establishments had a rate lower than or equal to (the first quartile);
- the rate level one-half of the establishments had a rate lower than or equal to (the median); and
- the rate level three-fourths of the establishments had a rate lower than or equal to (the third quartile).





# goes digital

*By Alden Hoffman, OSHA Management Team Director, Health*  
Does time go by faster in this modern age or is it just that our memories can't keep up?

Years ago, when I was an OSHA investigator, we documented hazards with the use of a black and white Polaroid camera. Minnesota OSHA used these cameras for nearly the first 20 years of its program. In the 1990s, film cameras with point-and-shoot capabilities were the popular choice. Today, all MNOSHA investigators use digital cameras, thereby eliminating the cost to purchase and process film. Reusable memory sticks and storage disks are now the norm. Digital photos for case files can be sent electronically to other involved parties, which helps to reduce case file review time.

Paper notepads and ink pens are still used, but – more and more – laptops and similar hand-held computer tablets are finding their way into the hands of the field staff. MNOSHA recently purchased 10 such devices that are being tested for their utility. Regulations, policies, references and forms have been installed on the computers, so investigators have the information immediately available to them in the field. These devices also have handwriting recognition capabilities, so notes and sketches can be made and stored for eventual placement in the case file.

The final recent technology upgrade being used by MNOSHA staff is digital voice recorders. Currently being used by our discrimination-prevention investigators, these replace the older miniature tape recorders used during interviews. By the time you read this, they will have been distributed to all safety investigators in the division.

As technology changes, MNOSHA strives to keep up and improve work quality while keeping costs contained.



## Recordkeeping 101: Part 1

# Tracking injuries, illnesses puts you in control

By Brian Zaidman, Research Analyst, Research and Statistics

*Editor's note: This is the start of a series about using the OSHA Form 300 and summarizing its results. This information is directed to people who are new to OSHA recordkeeping activities and to people who might be unfamiliar with the 2002 recordkeeping changes. This installment deals with the need for log accuracy and general recordability of cases. Future installments will address specific OSHA log items.*



For any business, no matter what size or type of activity it is engaged in, good business decisions should be based on accurate information.

Thanks to the OSHA illness and injury log (*OSHA Form 300*), every business has a system for accurately recording and measuring one important aspect of workplace safety: the number of injuries and illnesses among its workers.

The OSHA log and its associated forms provide the tools needed by businesses to consistently measure injuries and illnesses over time and to compare performance with other companies in the same industry. Unlike many other business performance measures that are often created uniquely for each company, the OSHA recordkeeping system puts a ready-to-use tool into the hands of every business. Better measurement of safety means better ability to manage safety.

Only a little bit of effort is needed to ensure a company's log is an accurate record of injuries and illnesses. One important prerequisite is training the staff members who are entrusted to maintain the log. For most people, browsing the resources currently available on the federal and state OSHA Web sites is adequate (see insets at right and on the next page for resources).

The Department of Labor and Industry's Workplace Safety Consultation (WSC) staff provides periodic recordkeeping

training throughout the state. Trainers review rules, demonstrate how to keep an accurate log and show how to summarize results at year's end. For more information about training opportunities, call WSC or visit the online events calendar.

The U.S. Bureau of Labor Statistics (BLS) conducts an annual survey, the *Survey of Occupational Injuries and Illnesses*, collecting OSHA log data from a large sample of companies. Accurate injury and illness statistics allow a firm to compare its safety performance against that of similar firms in the state and nation. Such information can then be shared with workers, investors, customers and competitors to show the effectiveness of workplace safety programs that are in place.

The information can also be part of the effort used to earn special workplace safety status through Minnesota OSHA's Minnesota Safety and Health Achievement Recognition Program (MNSHARP) and Minnesota Star (MNSTAR) program.

*Recordkeeping continues ...*

### ONLINE RESOURCES

#### **Federal OSHA recordkeeping resources**

- [www.osha.gov/recordkeeping/index.html](http://www.osha.gov/recordkeeping/index.html)

#### **MNOSHA recordkeeping resources**

- [www.doli.state.mn.us/recordkeeping.html](http://www.doli.state.mn.us/recordkeeping.html)

#### **MNOSHA WSC recordkeeping training**

- [www.doli.state.mn.us/osheven.html](http://www.doli.state.mn.us/osheven.html)

#### **Survey of Occupational Injuries and Illnesses**

- [www.bls.gov/iif](http://www.bls.gov/iif)
- [www.doli.state.mn.us/dlistats.html](http://www.doli.state.mn.us/dlistats.html)

#### **Packet of recordkeeping forms, instructions**

- [www.osha.gov/recordkeeping/RKforms.html](http://www.osha.gov/recordkeeping/RKforms.html)

#### **Booklet: Minnesota OSHA recordkeeping requirement**

- [www.doli.state.mn.us/pdf/recordkeepingstandard.pdf](http://www.doli.state.mn.us/pdf/recordkeepingstandard.pdf)



## Recordkeeping 101: Part 1

The most recent version of the OSHA 300 log, the January 2004 revision, is available online as part of a federal OSHA recordkeeping package. Minnesota OSHA can also provide the proper form.

Although some companies use the log to record all workplace injury incidents, the final summary should be based only on those cases meeting the recordability criteria. *Minnesota OSHA recordkeeping requirements*, available online, contains recordkeeping requirements presented in a question-and-answer format to provide the details about OSHA log recordkeeping.

The basic recordkeeping requirement is that all work-related injuries and illnesses are recorded that result in: death, loss of consciousness, medical treatment beyond first aid, days away from work, restriction of work or transfer to another job. The following conditions must also be recorded when they are work-related:

- a needlestick injury or cut from a "sharp" when contaminated with another person's blood or other potentially infectious material;
- any case requiring medical removal under an OSHA standard;
- a tuberculosis (TB) infection as evidenced by a positive skin test or diagnosis when there is an exposure to a known case of active TB; and
- a hearing loss as evidenced by a 25-decibel shift in hearing.

An injury or illness must be considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception, such as a choking injury while eating lunch or getting a case of the flu, specifically applies. The exceptions are listed on page 4 of *Minnesota OSHA recordkeeping requirements*.

Medical treatment is any treatment not included on OSHA's first aid list and does not include visits

to health care providers for observation only or diagnostic tests. (However, these visits may be covered by workers' compensation insurance.)

The first aid list is discussed on pages 11 and 12 of *Minnesota OSHA recordkeeping requirements*. The procedures that are considered first aid are:

- the use of nonprescription medication at nonprescription strength;
- tetanus immunizations;
- cleaning, flushing or soaking therapy;
- wound coverings such as Band-Aids, gauze pads and butterfly bandages;
- using hot and cold therapy;
- nonrigid means of support;
- using a temporary immobilization device to transport the victim;
- drilling a fingernail/toenail or draining fluid from a blister;
- use of eyepatches;
- removal of foreign bodies from the eye if only irrigation or a cotton swab is required;
- removal of foreign bodies from a wound, by tweezers, cotton swab or other simple technique;
- fingerguards;
- massages; and
- drinking fluids for the relief of heat.

A complete understanding of the recordability criteria is presented in *Minnesota OSHA recordkeeping requirements*.

### CONTACT MNOSHA

#### **Minnesota OSHA Compliance (MNOSHA)**

(651) 284-5050  
1-877-470-6742

#### **Workplace Safety Consultation (WSC)**

(651) 284-5060  
1-800-657-3776

#### **Recordkeeping packet**

(651) 284-5042  
1-800-342-5354

# OSHA serves up, salutes safety



## Construction Breakfast seminar

At left: Attendees at the November MNOSHA Construction Breakfast seminar listen to Bill Miller of Tri State Bobcat present "Skid steer, backhoe, equipment and worksite safety" after the morning's breakfast buffet. Current schedule information for St. Paul and Greater Minnesota is online at [www.doli.state.mn.us/brkfst.html](http://www.doli.state.mn.us/brkfst.html).

## Bayer Built achieves MNSHARP status

At right: Bayer Built Woodworks, Inc. and Bayer Trucking, L.L.C., Belgrade, Minn., are awarded for their achievement as Minnesota Safety and Health Achievement Recognition Program (MNSHARP) worksites Dec. 2. Complete information about MNSHARP is online at [www.doli.state.mn.us/mnsharp.html](http://www.doli.state.mn.us/mnsharp.html).



## Hitchcock Industries volunteers for inspection

Members of the Department of Labor and Industry management team accompanied Mike Krieger, a Workplace Safety Consultation (WSC) inspector, on a recent voluntary inspection of Hitchcock Industries in Bloomington, Minn. Above left, Commissioner Scott Brener looks on as Krieger (right) and Mike Suchy, Hitchcock Industries, identify possible hazards. Above right: Krieger (center) discusses shop safety with supervisor Bob Kocur (at left) and Suchy. For more information about WSC voluntary inspections visit [www.doli.state.mn.us/wsc.html](http://www.doli.state.mn.us/wsc.html).



## TAKE TWO: MNOSHA video library expands

Minnesota OSHA recently added three new titles to its video library to assist employers and employees with their safety and health training efforts.

- *Examining Fatal Shipyard Accidents: Hazards and Solutions Volume I* features several accident scenarios involving hazards found in the construction and general industries - as well as in shipyards, such as confined spaces, cranes and falls.
- *Lead Safety on the Construction Site*, produced by the Construction Safety Council under a grant from federal OSHA, provides an overview of the lead standard and a description of the possible health effects from lead to the worker.
- *Violence on the Job* discusses some of the major factors contributing to workplace violence, as well as environmental, administrative and behavioral strategies for prevention.

In addition, several titles are now available on DVD as well as VHS format. Videos are available for a free, two-week loan from MNOSHA Compliance by calling (651) 284-5053 or toll-free at 1-877-470-6742. Visit [www.doli.state.mn.us/videotp.html](http://www.doli.state.mn.us/videotp.html) for a complete list of videos.

Thank you, that's a wrap.



### OSH Advisory Council 2005 meeting dates



★ March 4

★ June 24

★ Sept. 9

★ Dec. 2

The Occupational Safety and Health Advisory Council was created in 1973 under the statutory authority of Minnesota Statutes §182.656 to advise the department in carrying out the purposes of M.S. §182 and other Occupational Safety and Health Administration statutes.

The council consists of 12 members appointed by the commissioner. Council members include three representatives from management, three representatives from labor, three representatives of occupational safety and health professions, and three representatives from the general public.

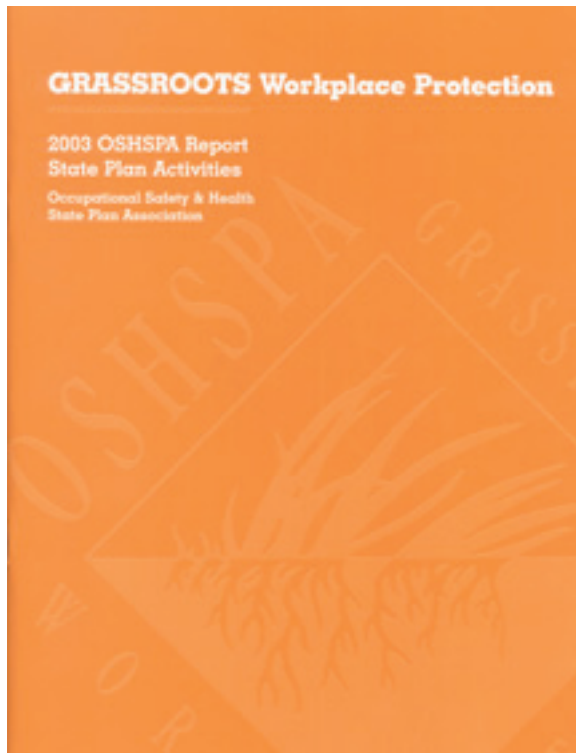
Meetings are quarterly, from 10 a.m. to noon, in the Minnesota Room at the Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul. E-mail Debbie Caswell ([debbie.caswell@state.mn.us](mailto:debbie.caswell@state.mn.us)) or call her at (651) 284-5018 for further information about the OSH Advisory Council meetings.



# National publication highlights state-plan safety, health efforts; MNOSHA to coordinate next edition

By Patricia Todd, Director of MNOSHA Compliance

*GRASSROOTS Workplace Protection* is an annual publication developed in cooperation with federal OSHA and the Occupational Safety and Health State Plan Association (OSHSPA) to highlight areas where OSHA state-plan states are unique from federal OSHA.



There are 26 state-plan states that have been approved by federal OSHA to run their own occupational safety and health programs. By law, these states must have programs that are at least as effective as federal OSHA.

The most recent edition of *GRASSROOTS Workplace Protection* describes innovative approaches to creative partnerships, outreach and education, voluntary compliance, inspection targeting and settlement agreements that have been developed by the states. Two new sections highlight original approaches members have taken to address emergency preparedness and customer service issues.

Minnesota's MNOSHA program is specifically mentioned in sections about: preparing for workplace emergencies, strategic plans, customer services, site-specific targeting, settlement agreements, ergonomics, workplace violence prevention, voluntary protection programs, partnerships and alliances, compliance assistance, multilingual communications, safety programs and violations dealing with the death or serious injury of an employee.

OSHSPA links the 26 state-plan jurisdictions, federal OSHA and Congress. At meetings three times a year, state-program representatives share information and discuss common problems.

The Minnesota Department of Labor and Industry will coordinate the *GRASSROOTS* publication for the next two federal fiscal-years. The current and past editions are available online at [www.osha.gov/fso/osp/oshspa/annualreport.html](http://www.osha.gov/fso/osp/oshspa/annualreport.html).





LogSafe Coordinator Ed LaFavor provided on-site tree-felling techniques and chainsaw safety training for a group of loggers Dec. 9 in Mankato, Minn. Besides offering fall and spring classroom seminars around Minnesota, LaFavor provides outreach, upon request, to help ensure safe and healthy work environments for loggers.

Above: The group trudges across a muddy field to find a hardwood tree slated to be cut down.

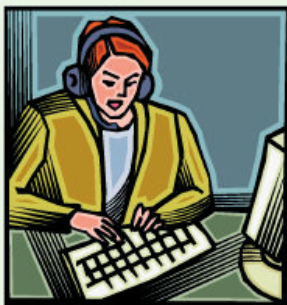
At top right: Lafavor hands out information about methamphetamine labs and explains potential risks when loggers find meth labs in the woods.

At right: Lafavor explains directional tree-felling techniques, before cutting down a hardwood tree.



## 911/PBX law compliance, regulation

By Jeff Isakson, Greater Minnesota Supervisor



During an emergency, most people now dial 911 automatically to summon help fast. In general, the 911 system automatically provides the 911 operator with the caller's location, to get help en route as fast as possible.

### The problem

Accurate location information may be unavailable if a 911 call is made from a location that has a multi-line or private branch exchange (PBX) system, such as those used in many workplaces, hospitals, schools, hotels and other large buildings.

### The solution

A recent Minnesota law change requires most multi-line telephone system owners to deliver a callback number and location information to 911 centers from 911 callers

on their premises. The law has different requirements and effective dates depending upon the user.

### Who regulates?

A stakeholder recently contacted MNOSHA with the concern about calls from vendors telling them they must comply with this new law as soon as possible or, if inspected by MNOSHA, they would be issued a citation.

The statute is enforced by the Minnesota Department of Public Safety and/or designated jurisdictions; therefore, MNOSHA doesn't anticipate issuing citations for noncompliance.

Additional information about the Minnesota PBX law is online at [www.911.state.mn.us/PDF/911\\_PBX% 20law.pdf](http://www.911.state.mn.us/PDF/911_PBX%20law.pdf).

